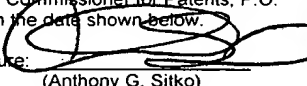


I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: March 4, 2004      Signature:   
(Anthony G. Sitko)

Docket No.: 55080USA1A.002  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Mark E. Gardiner et al.

Application No.: 09/415,471

Group Art Unit: 2877

Filed: October 8, 1999

Examiner: Sang H. Nguyen

For: OPTICAL ELEMENT HAVING  
PROGRAMMED OPTICAL STRUCTURES

**RESPONSE TO THE FEBRUARY 20, 2004 NOTICE OF NON-COMPLAINT  
AMENDMENT (37 C.F.R. 1.121)**

**Box Non-Fee Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notice mailed February 20, 2004 in the above-referenced patent application indicating the amendment received by the Office on January 12, 2004 was non-compliant for failing to include a complete listing of claims. A complete listing of all of the claims is reflected in the listing of claims which begins on page 2 of this paper.